

1 YOUR NAME **CARL A. BENSON**  
2 YOUR ADDRESS **4240 FELTON ST #23**  
3 YOUR TELEPHONE NUMBER **(909) 702-6321 (H) 336-46-2168**

FILED  
08 JAN 31 PM 3:36  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
10 (Must start on line 8 or below)

11 **CARL A. BENSON** )  
12 )  
13 )  
14 **ROSS & CRISTAL** )  
15 **DRESS & ARRENDON** )  
16 **4** )  
17 **LESS** )

**'08 CV 0192 LAB AJB**

Case No. \_\_\_\_\_  
(To be assigned at time of filing)

COMPLAINT FOR (Brief description of document)

**Differential Treatment**

18 Plaintiff alleges: **From approx. Sept 15, 2007 to approx. Nov 25,**  
19 **2007, I WAS SUBJECTED to differential treatment,**  
20 **I WAS hired on April 2, 2007, I WAS**  
21 **employed AS A DOOR AGENT EARNING**  
22 **\$8.50 per hour.**

23 **I believe I WAS discriminated against**  
24 **when subjected to differential treatment**  
25 **because of my RACE (AFRICAN AMERICAN)**  
26 **AND I now seek the ASSISTANCE of the**  
27 **COURT in the pursuit of compensation for**  
28 **BACKPAY & compensation for DAMAGES, I base my**  
**belief on the following ATTACHED page**

**EMPLOYMENT****COMPLAINT OF DISCRIMINATION UNDER  
THE PROVISIONS OF THE CALIFORNIA  
FAIR EMPLOYMENT AND HOUSING ACT**

DFEH # \_\_\_\_\_

EEOC # \_\_\_\_\_

If dual-filed with EEOC, this form may be affected by the Privacy Act of 1974.

**CALIFORNIA DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING and EEOC**

COMPLAINANT'S NAME (indicate Mr. or Ms.)

**BENSON, CARL ALEXANDER (MR)**

ADDRESS

**4240 FELTON ST. #23**

CELL TELEPHONE NUMBER (INCLUDE AREA CODE)

**(909) 702-6312**

CITY

STATE

ZIP

COUNTY

COUNTY CODE

**SAN DIEGO, CA 92104****SAN DIEGO****#073****NAMED IS THE EMPLOYER, PERSON, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE,  
OR STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME:**

NAME

**ROSS DRESS 4 LESS**

ADDRESS

**4444 CAMINO DE LA PLAZA**

TELEPHONE NUMBER (INCLUDE AREA CODE)

**(619) 662-0545**

CITY

STATE

ZIP

COUNTY

COUNTY CODE

**SAN YSIDRO****CA****92173****SAN DIEGO****073**

CAUSE OF DISCRIMINATION BASED ON (CHECK APPROPRIATE BOX(ES))

☒ RACE    ☐ SEX    ☐ DISABILITY    ☐ RELIGION    ☐ NATIONAL ORIGIN/ANCESTRY    ☐ DENIAL OF FAMILY/MEDICAL LEAVE    ☐ SEXUAL ORIENTATION  
☐ COLOR    ☐ AGE    ☐ MARITAL STATUS    ☐ MEDICAL CONDITION (cancer or genetic characteristics)    ☐ OTHER (SPECIFY) \_\_\_\_\_

NO. OF EMPLOYEES/MEMBERS

**150**

DATE MOST RECENT OR CONTINUING DISCRIMINATION

**TOOK PLACE (month, day, and year) October 25, 2007**

RESPONDENT CODE

**56**

THE PARTICULARS ARE:

- I. From on or about September 15, 2007, to on or about November 25, 2007, I was subjected to differential treatment. I was hired on April 2, 2007. I was employed as a Door Agent earning \$8.50 an hour.
- II. I believe I was discriminated against when subjected to differential treatment because of my Race (African-American). I base my belief on the following:
- A. From on or September 15, 2007, to on or about November 25, 2007, I was given less hours than the Mexican Door Agents. (Names on file with the Department of Fair Employment and Housing [DFEH].) There was no legitimate business reason for this action.
- B. On November 7, 2007, Assistant Manager Ericka Perez and Store Manager Cristal Arredondo wrote me up for having extended conversations with customers. I am aware of Mexican Door Agents (names on file with the DFEH) who would have extended conversations with customers and were not written up.

☒ I also want this charge filed with the Federal Equal Employment Opportunity Commission (EEOC).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct of my own knowledge except as to matters stated on my information and belief, and as to those matters I believe it to be true.

Dated

**Dec 4, 2007**

At

**SAN Diego CA.**

City

COMPLAINANT'S SIGNATURE

**Carl A. Benson****RECEIVED**

DFEH-300-01 (12/99)

SD:DG:af

DATE FILED: December 4, 2007

DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING

STATE OF CALIFORNIA

**SAN DIEGO  
DISTRICT OFFICE**

JS 44 (Rev. 11/04)

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS** CARL A. BENSON

**(b) County of Residence of First Listed Plaintiff** SAN DIEGO  
(EXCEPT IN U.S. PLAINTIFF CASES)

**(c) Attorney's (Firm Name, Address, and Telephone Number)** N/A

**DEFENDANTS** ROSS SPINROSS & LESS  
CRISTAL ARREDOENDO  
County of Residence of First Listed Defendant SAN DIEGO  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) N/A

**08 CV 0192 LAB AJB**

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

☐ 1 U.S. Government Plaintiff ☒ Federal Question (U.S. Government Not a Party)

☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

Citizen of This State ☒ 1 DEF ☐ 1 Incorporated or Principal Place of Business in This State ☐ 4 DEF ☐ 4

Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5

Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

| CONTRACT   | TORTS  | FORFEITURE/PENALTY   | BANKRUPTCY   | OTHER STATUTES   |
|--|--|--|--|--|
| <input type="checkbox"/> 110 Insurance<br><input type="checkbox"/> 120 Marine<br><input type="checkbox"/> 130 Miller Act<br><input type="checkbox"/> 140 Negotiable Instrument<br><input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment<br><input type="checkbox"/> 151 Medicare Act<br><input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)<br><input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits<br><input type="checkbox"/> 160 Stockholders' Suits<br><input type="checkbox"/> 190 Other Contract<br><input type="checkbox"/> 195 Contract Product Liability<br><input type="checkbox"/> 196 Franchise | <b>PERSONAL INJURY</b><br><input type="checkbox"/> 310 Airplane<br><input type="checkbox"/> 315 Airplane Product Liability<br><input type="checkbox"/> 320 Assault, Libel & Slander<br><input type="checkbox"/> 330 Federal Employers' Liability<br><input type="checkbox"/> 340 Marine<br><input type="checkbox"/> 345 Marine Product Liability<br><input type="checkbox"/> 350 Motor Vehicle<br><input type="checkbox"/> 355 Motor Vehicle Product Liability<br><input type="checkbox"/> 360 Other Personal Injury<br><b>PERSONAL INJURY</b><br><input type="checkbox"/> 362 Personal Injury - Med. Malpractice<br><input type="checkbox"/> 365 Personal Injury - Product Liability<br><input type="checkbox"/> 368 Asbestos Personal Injury Product Liability<br><b>PERSONAL PROPERTY</b><br><input type="checkbox"/> 370 Other Fraud<br><input type="checkbox"/> 371 Truth in Lending<br><input type="checkbox"/> 380 Other Personal Property Damage<br><input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 610 Agriculture<br><input type="checkbox"/> 620 Other Food & Drug<br><input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881<br><input type="checkbox"/> 630 Liquor Laws<br><input type="checkbox"/> 640 R.R. & Truck<br><input type="checkbox"/> 650 Airline Regs.<br><input type="checkbox"/> 660 Occupational Safety/Health<br><input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158<br><input type="checkbox"/> 423 Withdrawal 28 USC 157<br><b>PROPERTY RIGHTS</b><br><input type="checkbox"/> 820 Copyrights<br><input type="checkbox"/> 830 Patent<br><input type="checkbox"/> 840 Trademark   | <input type="checkbox"/> 400 State Reapportionment<br><input type="checkbox"/> 410 Antitrust<br><input type="checkbox"/> 430 Banks and Banking<br><input type="checkbox"/> 450 Commerce<br><input type="checkbox"/> 460 Deportation<br><input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations<br><input type="checkbox"/> 480 Consumer Credit<br><input type="checkbox"/> 490 Cable/Sat TV<br><input type="checkbox"/> 810 Selective Service<br><input type="checkbox"/> 850 Securities/Commodities/Exchange<br><input type="checkbox"/> 875 Customer Challenge 12 USC 3410<br><input type="checkbox"/> 890 Other Statutory Actions<br><input type="checkbox"/> 891 Agricultural Acts<br><input type="checkbox"/> 892 Economic Stabilization Act<br><input type="checkbox"/> 893 Environmental Matters<br><input type="checkbox"/> 894 Energy Allocation Act<br><input type="checkbox"/> 895 Freedom of Information Act<br><input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice<br><input type="checkbox"/> 950 Constitutionality of State Statutes |
| <b>REAL PROPERTY</b><br><input type="checkbox"/> 210 Land Condemnation<br><input type="checkbox"/> 220 Foreclosure<br><input type="checkbox"/> 230 Rent Lease & Ejectment<br><input type="checkbox"/> 240 Torts to Land<br><input type="checkbox"/> 245 Tort Product Liability<br><input type="checkbox"/> 290 All Other Real Property   | <b>CIVIL RIGHTS</b><br><input type="checkbox"/> 441 Voting<br><input type="checkbox"/> 442 Employment<br><input type="checkbox"/> 443 Housing/Accommodations<br><input type="checkbox"/> 444 Welfare<br><input type="checkbox"/> 445 Amer. w/Disabilities - Employment<br><input type="checkbox"/> 446 Amer. w/Disabilities - Other<br><input type="checkbox"/> 440 Other Civil Rights   | <b>PRISONER PETITIONS</b><br><input type="checkbox"/> 510 Motions to Vacate Sentence<br><input type="checkbox"/> Habeas Corpus:<br><input type="checkbox"/> 530 General<br><input type="checkbox"/> 535 Death Penalty<br><input type="checkbox"/> 540 Mandamus & Other<br><input type="checkbox"/> 550 Civil Rights<br><input type="checkbox"/> 555 Prison Condition   | <b>LABOR</b><br><input type="checkbox"/> 710 Fair Labor Standards Act<br><input type="checkbox"/> 720 Labor/Mgmt. Relations<br><input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act<br><input type="checkbox"/> 740 Railway Labor Act<br><input type="checkbox"/> 790 Other Labor Litigation<br><input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <b>SOCIAL SECURITY</b><br><input type="checkbox"/> 861 HIA (1395f)<br><input type="checkbox"/> 862 Black Lung (923)<br><input type="checkbox"/> 863 DIWC/DIWW (405(g))<br><input type="checkbox"/> 864 SSID Title XVI<br><input type="checkbox"/> 865 RSI (405(g))<br><b>FEDERAL TAX SUITS</b><br><input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)<br><input type="checkbox"/> 871 IRS—Third Party 26 USC 7609   |

**V. ORIGIN** (Place an "X" in One Box Only)

☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

**VI. CAUSE OF ACTION**

Cite the U.S. Code section(s) you are filing. (Do not cite jurisdictional statutes unless diversity): 42 USCA § 2000e-2(a)(1)

Brief description of cause: DIFFERENTIAL TREATMENT

**VII. REQUESTED IN COMPLAINT:** ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ PACIL PAY/DAMAGES CHECK YES only if demanded in complaint: JURY DEMAND: ☐ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY** (See instructions): JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE Jan 28, 2007 SIGNATURE OF ATTORNEY OF RECORD Carl A. Benson

FOR OFFICE USE ONLY

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG JUDGE \_\_\_\_\_